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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/527,516 | 03/16/2000 | Hirohiko Nakazato | 9976-8US  (OB0019US) | 2106 |

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| 570 | 7590 | 11/17/2004 |

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| EXAMINER |
|---|
| TRAN, DOUGLAS Q |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2624 | |

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | | Application No. | Applicant(s) |
|---|---|---|---|
| **Advisory Action** | | 09/527,516 | NAKAZATO, HIROHIKO |
| | | Examiner | Art Unit | |
| | | Douglas Q. Tran | 2624 | |

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED 18 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

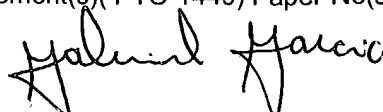   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *6-14 and 18*.

   Claim(s) objected to: _____.

   Claim(s) rejected: *15-17*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

GABRIEL GARCIA
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: The Applicant's arguments do not overcome the rejections because the cited prior art fully discloses the claimed invention. The comparison is addressed from the claim 15 without any of conditions. The limitations from claims do not address that the comparison an image data size of the computer with an image data size of the printer or the comparison a certain size of free memory of the computer with the size of free memory of the printer. The limitation of "the comparison" is merely meaning the checking or monitoring the status of both of the computer and the printer in which the image data is stored the memory from the computer is ready for printing and the free memory from the printer is ready for receiving the print data.

Therefore, Lee clearly teaches a printer driver selecting section (i.e., control unit 10 in fig. 1, col. 5, lines 18-23) which performs a comparison on the basis of at least an image data size, a free memory size of the computer and a free memory size of the printer, and selects on of the plurality of printer drivers based on a result of the comparison (it is noted that said computer comparing an environmentof said computer "an operational state of the computer" and an environment of said printer "an operational state of the printer" to select one of said printer drivers based on a result of the comparison "col. 5, lines 18-23 describes that the control unit 10 of the computer 80 includes a printer driver calling device 215 for searching and choosing one of the printer drivers corresponding to control signals from control unit 10 generated after control unit 10 determines the operational state of the computer 80 and the operational state of the printer 50" . It is understood that the comparison would be understood that it means for the checking of any environment in the computer and any environment in the printer how to be suitable in order for the print job is prepared by the selected printer driver. Therefore, an environment "or an operational state" of the computer and an environment "or an operational state" of the printer are determined as a normal operating "col. 5, lines 50-52". The normal operating would be considered as suitable operating or matching operating between the computer and the printer so that the print job is prepared for printing; and col. 5, lines 25-32 describes that the control unit 10 receives information about the state of computer and printer 50 such as a storage device overflow error or a band error. It should be understood that the capacity of the storage device or the band is related to the size of the image data from the computer. Thus, at least an image data size, a free memory size of the computer and a free memory size of the printer is checked and the second printer driver is selected based on that environment).

Lee clearly teaches a data transfer speed determining section which determines a data transfer speed when image data is transferred from the computer to the printer (col. 5, lines 14-16 and col. 5, lines 59-66: the computer inherently comprises a component corresponding to a data transfer speed determining section for determining a data transfer speed)..